

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RICO ISAIH HAIRSTON,

Plaintiff,

v.

FRANKLIN COUNTY SHERIFF'S
OFFICE CENTER 1 MAIN JAIL,
et al.,

Defendants.

Case No. 2:17-cv-581

CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Chelsey M. Vascura

ORDER

This matter is before the Court on Plaintiff Rico Isaih Hairston's ("Hairston") *Objection* (ECF No. 97) to the Magistrate Judge's *Report and Recommendation* (ECF No. 94), which recommends that the Court: (1) deny Hairston's *Motion for Judgment, Costs, and Damages* (ECF No. 87) without prejudice to renewal; (2) deny Defendant Franklin County Sheriff's Office's ("FCSO") *Motion for Summary Judgment* (ECF No. 90); and (3) deny Hairston's *Motion to Compel Discovery* (ECF No. 86) to the extent Hairston seeks to compel depositions of FCSO and Defendant Burke. Hairston only objects to the Magistrate Judge's recommendation that this Court deny his Motion for Judgment, Costs, and Damages. For the reasons that follow, the Court **OVERRULES** Hairston's *Objection* (ECF No. 97) and **ADOPTS** the Report and Recommendation (ECF No. 94), thereby **DENYING without prejudice to renewal** Hairston's *Motion for Judgment, Costs, and Damages* (ECF No. 87). Because neither FCSO nor Hairston objected to the remaining portions of the Report and Recommendation, the Court **DENIES** FCSO's *Motion for Summary Judgment* (ECF No. 90) and Hairston's *Motion to Compel Discovery* (ECF No. 86), to the extent Hairston seeks to compel depositions of FCSO and Defendant Burke.

If a party objects within the allotted time to a report and recommendation, 28 U.S.C. § 636(b)(1)(C) provides that a district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *See also* Fed. R. Civ. P. 72(b)(3); *United States v. Curtis*, 237 F.3d 598, 602–03 (6th Cir. 2001). The district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(3).

Hairston only objects to the Magistrate Judge’s recommendation that the Court deny his Motion for Judgment, Costs, and Damages. In that Motion, Hairston requests \$550,000.00 from Defendant Burke, but seeks to collect that amount through indemnification from FCSO. (*See* ECF No. 87.) Upon reviewing Hairston’s requests, the Magistrate Judge concluded that Hairston did not submit evidence of his damages but instead listed grievances against FCSO, most of which were unrelated to the legal mail claims that Hairston alleges in this case. (*See* ECF No. 56, 57.)

The Magistrate Judge then noted that the following list contains all the relief that Hairston has quantified:

• Postage from July 2017 to May 2018	\$500.00
• Court costs and filing fees	\$350.00
• Process and service fees	\$16.00
• Jail calls to Clerk’s Office	\$200.00
• Copies	\$700.00
• Pain and Suffering ¹	\$8,830.00

(Pl.’s Notice at 11 [ECF No. 57].) Additionally, Hairston demands \$50,000.00 in compensatory damages and \$500,000.00 in punitive damages, but he never explains how he calculated either figure. Therefore, the Magistrate Judge concluded that there is currently insufficient evidence before the Court to award the \$550,000 in damages to Hairston. Accordingly, the Magistrate Judge

¹ As the Magistrate Judge pointed out, it seems Hairston calculated this figure by multiplying the sum of his other costs by five.

recommended that Hairston's Motion for Judgment, Costs, and Damages should be denied without prejudice so that he may renew a similar motion at the resolution of his remaining claims.

In response, Hairston filed his objection, which does not refute the Report and Recommendation but instead attempts to explain the bases for his requested damages. To that end, Hairston extrapolates on his unrelated grievances against FCSO. He also describes evidence that he seeks to offer in the future. By failing to object to any portion of the Magistrate Judge's decision, however, the Court is unable to review *de novo* Hairston's Motion.

In conclusion, the Court **OVERRULES** Hairston's *Objection* (ECF No. 97) and **ADOPTS** the *Report and Recommendation* (ECF No. 94), and thereby **DENIES without prejudice to renewal** Hairston's *Motion for Judgment, Costs, and Damages* (ECF No. 87), **DENIES** FCSO's *Motion for Summary Judgment* (ECF No. 90), and **DENIES** Hairston's *Motion to Compel Discovery* (ECF No. 86), to the extent Hairston seeks to compel depositions of FCSO and Defendant Burke.

IT IS SO ORDERED.

7-29-2019
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE